

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DELOISE PRICE,)
)
 PLAINTIFF,)
)
 vs.)
) Civil Action No. 2:06-CV-00721-MHT
)
 WAL-MART STORES, INC.; AND)
 EXTREME PERFORMANCE, INC.,)
)
 DEFENDANTS.)

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on September 20, 2006 at 10:00 a.m. and was attended by:

Brian P. Strength
COCHRAN, CHERRY, GIVENS,
SMITH, LANE & TAYLOR, P.C.
P.O. Box 830419
Tuskegee, AL 36083
Attorney for Plaintiff

John A. Earnhardt
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2602
Attorney for Defendant Wal-Mart Stores East, LP

*As of the filing of this report, Extreme Performance, Inc., has not been served. Accordingly, the dates proposed herein may need to be modified when Extreme Performance appears.

2. **Pre-Discovery Disclosures.** The parties will exchange by October 19, 2006 the information required by Fed. R. Civ. P. 26(a)1 and local rule 26.1.

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects: The allegations of the Complaint and damages.

All discovery commenced in time to be completed by April 20, 2007.

Maximum of 30 interrogatories by each party to any other party.

Maximum of 30 requests for admission by each party to any other party.

Maximum of 6 depositions by plaintiff and 6 depositions by defendant.

Each deposition limited to maximum of 7 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

From plaintiffs by January 31, 2007.

From defendants by March 30, 2007.

Supplementations under Rule 26(e) due 30 days before close of discovery.

4. **Other Items.**

The parties do not request a conference with the Court before entry of the scheduling order.

The parties request a pretrial conference in July 2007.

Plaintiff should be allowed until November 1, 2006 to join additional parties and until November 1, 2006 to amend the pleadings.

Defendant should be allowed until December 1, 2006 to join additional parties and until December 1, 2006 to amend the pleadings.

All potentially dispositive motions should be filed by April 30, 2007.

Settlement cannot be evaluated prior to discovery but may be enhanced by use of ADR at a later date.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

From plaintiff by 45 days before trial.

From defendant by 30 days before trial.

Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by September 2007 and at this time is expected to take approximately 3 days.

Dated: September 22, 2006

s/Brian P. Strength

Attorney for Plaintiff

s/John A. Earnhardt

Attorney for Defendant Wal-Mart Stores
East, LP